



CITY OF CARLSBAD
1635 Faraday Avenue
Carlsbad, CA 92008
(760) 602-4610



CONSISTENCY DETERMINATION SUBMITTAL PROCEDURE

WHAT you need to give us:

- Application form (signed by the owner(s) of the property unless applicant has sufficient legal interest in the property.)
- Detailed written description of the proposed revision(s)
- Four (4) sets of your site plan **folded to 8 ½ x 11**
- Fee (See current fee schedule for cost)
- Revised site plans and/or elevations and floor plans
- Exhibits/plans/tables, which provide a comparable analysis of the existing project and proposed revised project

WHEN and WHERE to submit:

Your application may be submitted at the Planning Department counter at 1635 Faraday Avenue, from 7:30 a.m. to 4:30 p.m. Monday through Thursday or 8:00 a.m. to 4:00 p.m. on Friday.

HOW your application is processed:

After a submittal is made, the project planner and project engineer will be assigned the project.

Written responses to your submittal will be mailed following the planning and engineering review and should be received by you within thirty days after the review date. Please keep in mind that additional information may be requested in order to make a consistency determination and project issues of concern.

Upon approval of a Consistency Determination, the Planning Director will request the project applicant to submit two (2) blue-line copies (24"x36") of all Consistency Determination exhibits to be stamped "Consistency Determination." Also, you may need to provide the City with a reproducible 24"x36" mylar copy of an amended Site Plan which must be stamped "Consistency Determination" to obtain the Planning Director's signature.

Please review Policy 35 (attached) to determine if your project qualifies for a Consistency Determination.

<u>CITY USE ONLY</u>			
Project Number: _____			
PROJECT NAME: _____			
Assessors Parcel Number(s): _____			
OWNER NAME (Print or Type)		APPLICANT NAME (Print or Type)	
MAILING ADDRESS		MAILING ADDRESS	
CITY AND STATE	ZIP	TELEPHONE	CITY AND STATE
DESCRIPTION OF PROPOSAL (ADD ATTACHMENT IF NECESSARY):			
WOULD YOU LIKE TO ORALLY PRESENT THE PROPOSED CHANGES TO YOUR ASSIGNED STAFF PLANNER/ ENGINEER? YES <input type="checkbox"/> NO <input type="checkbox"/>			
PLEASE LIST THE NAMES OF ALL STAFF MEMBERS YOU HAVE PREVIOUSLY SPOKEN TO REGARDING THIS PROJECT. IF NONE, PLEASE SO STATE.			
FOR CITY USE ONLY			
FEE REQUIRED/DATE FEE PAID: _____			
RECEIPT NO.: _____			
RECEIVED BY: _____			
Routing: Planning <input type="checkbox"/> Engineering <input type="checkbox"/> Fire <input type="checkbox"/> Other _____			

PLANNING DEPARTMENT
Administrative Policy

Policy No.	35
Date Issued	August 18, 1998
Effective Date	August 18, 1998
Revised Date	
Supersedes No.	

General Subject: Substantial Conformation Determinations

Specific Subject: Guidelines

Copies to: Department Staff, File

POLICY:**I. Intent and Purpose**

An expectation and goal of the Carlsbad City Council, Planning Commission, City staff and general public is that all aspects of an approved development project (i.e. site design, landscaping, architecture, grading and conditions of approval) are completely implemented through project build-out. The overriding objective is to attain the highest quality project consistent with the design, conditions, and commitments associated with the original project approval. To this end, project applicants are required to provide detailed planning, engineering and building design information during the project review process. It is, however, recognized that there will be situations where aspects of an approved project will be proposed for revision. These Guidelines provide: (1) criteria for determining whether a requested project revision can be found to be in Substantial Conformance with the original project approval; and, (2) procedures for processing a Substantial Conformance request.

II. Substantial Conformance Criteria

A project revision may be in Substantial Conformance if all of the following findings can be made:

- (1) No project condition, feature, facility or amenity is changed or deleted that had been considered essential to the project's design, quality, safety or function;
- (2) The request represents an upgrade in overall design features and or materials and improves upon the project's compatibility with the surrounding neighborhood;
- (3) The proposed revision does not change the density (i.e. the addition of units) or boundary of the subject property;
- (4) The proposed revision does not involve the addition of a new land use not shown on the original permit (e.g. adding a commercial use to a residential project, replacing single family units with attached residential units, vice versa for each example, etc.);
- (5) The proposed revision does not rearrange the major land uses within the development (e.g. it does not exchange the locations of single family units with attached units);

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- (6) The proposed revision does not create changes of greater than ten percent (10%), provided that compliance will be maintained with the applicable development standards of the Carlsbad Municipal Code as follows:
- Per individual lot or structure** - yards, setbacks, coverage or height (height reductions of >10% are permitted);
- On an aggregate project basis** - parking, open space, common area or landscaping;
- (7) The proposed change will not result in any significant environmental impact, and/or require additional mitigation;
- (8) The proposed change would not result in any health, safety or welfare impacts;
- (9) There were not any major issues or controversies associated with the original project which would be exacerbated with the proposed change; and
- (10) The proposed change would not be readily discernible to the decision makers as being substantially different from the project as originally approved.

If the proposed revision does not comply with all of the above listed Substantial Conformance findings, then a determination of Substantial Conformance cannot be made. The proposed project revision should be processed as a formal project amendment.

III. Substantial Conformance Procedures

A request for a Substantial Conformance determination shall be submitted to the Planning Department as a "major" Preliminary Review (SC) application and the appropriate fees collected. The application shall include 2 sets of amended exhibits, graphics, statements or other information as may be required to explain and justify the request.

Substantial Conformance Preliminary Reviews will, where feasible, be assigned to the original project planner and engineer for review. The Substantial Conformance request should also be reviewed by the project planner's "team". Within approximately 30 days of the Substantial Conformance request submittal date, a letter will be sent to the applicant which will either: 1) include the Planning Director's decision on the Substantial Conformance request; or 2) identify any additional information deemed necessary to make a Substantial Conformance determination. Within approximately 30 days of the date of submittal of all requested additional information, notice of the Planning Director's

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decision on the Substantial Conformance request shall be mailed to the applicant. The letter shall include a decision regarding whether the Substantial Conformance request is granted or denied.

Upon approval of a Substantial Conformance request by the Planning Director, the project applicant shall submit two (2) blue-line copies (24" x 36") of all Substantial Conformance exhibits to be stamped "Substantial Conformance" and filed in the appropriate project files. The applicant shall also provide the City with a reproducible 24" x 36" mylar copy of the amended Site Plan, which shall be stamped "Substantial Conformance" and signed by the Planning Director.

APPROVED BY:Michael J. Holzmueller
Planning Director